

BERNALILLO COUNTY

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Planning

COUNTY PLANNING COMMISSION HEARING PROCESS

***The purpose of this document is to explain the procedures involved in seeking approval for your County Planning Commission request or Board of Adjustment Board appeal. Material contained in this document was taken from the Albuquerque/Bernalillo County Comprehensive Plan and the Comprehensive Zoning Ordinance of Bernalillo County. Please refer to these documents for specific information or contact the Zoning, Building & Planning Department for a scheduled consultation.**

The Hearing

- Commission/Board meetings are typically held the first Wednesday of every month in the Vincent E. Griego Chambers (basement of the City/County government building) located at One Civic Plaza NW.
- Please be on time for the hearing. Applicants who are not present when their case is called may have their request deferred or possibly denied.
- The public hearing process allows all participants to express their concerns and opinions.
- All parties interested in speaking at the hearing are asked to "sign in" on the corresponding attendance sheet.
- This information is used to notify you of additional hearings or decisions concerning the relevant request.

Hearings proceed in the following order:

- Presentation of the project and recommendation by county staff;
- Presentation by the project applicant or the designated agent;
- Invitation for project proponents and/or opponents to make a statement;
- Response by the project applicant or agent; and,
- Board/Commission deliberation and action.

Decisions

A determination of the proposal will be made by the Commission/Board at the hearing. A written copy of the decision will also be mailed to all interested parties. For approved or denied requests, an appeal date will be listed within the notice of decision. Appealed decisions are heard by the Board of County Commissioners (BCC).

For zone change and special use permits, the applications are first heard before the Planning Commission at public hearing. The Commission votes on each application, and that vote is forwarded to the BCC as a recommendation. Approved requests which are not appealed are placed on the BCC's consent agenda, and are typically heard without public testimony. On the other hand, approved or denied matters that are appealed are placed on the BCC's public hearing agenda. While the Planning Commission makes a recommendation for action to the BCC, the BCC is the zoning authority who makes the final decision for or against approval of the application.

For appealed matters resulting in decisions of the Zoning Administrator or the County Development Review Authority, the Planning Commission serves as the Board of Adjustment. Determinations of the Board of Adjustment can also be appealed to the BCC, who again, has the authority to make a final decision on the matter.

The Commission/Board may also choose to defer or continue a request in order to obtain additional information, permit staff members to review submitted materials, or allow an applicant to meet with neighbors or surrounding property owners to revise a request.

Criteria for Approval

It is the burden of the applicant to show that the request for a **Zone Change/ Special Use** meets the standards outlined in Resolution 116-86, including:

- Consistency with county regulations
- Justification by the applicant as to why the proposed change should be made
- Demonstration that the existing zoning is inappropriate
- Evidence that the request is not harmful to adjacent properties

Justification should not

- Be based on economic gain/loss as a determining factor or the property's location to a collector or major street
- Create a "spot zone" or "strip zoning"

It is the burden of the applicant to show that the **Special Use Permit** for specific use proposal meets the criteria of Resolution 116-86 including:

- Substantial neighborhood support for the request.
- Unique conditions exist.
- Permits may be approved for a listed use within the Special Use Permit section of the Zoning Ordinance (Sec. 18); office/commercial uses in any zone; or industrial/warehouse uses if underlying zoning is C-1 or C-2.

Conditional Use requests must address these criteria:

- The site for the proposed use is adequate in size and shape to accommodate the proposed use, including all yards, open spaces, walls and fences, parking areas, loading and unloading areas, landscaping and other features required by the ordinance.
- The site for the proposed use can be developed in such a manner that excessive traffic congestion and hazards will not be created.
- The proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area.

Variance requests must address this criterion:

- There are peculiar, exceptional and unusual circumstances in connection with your land that are not generally found within the area or neighborhood concerned.

The Board of Adjustment may also hear appeals of administrative decisions reached by the Zoning Administrator and/or the County Development Review Authority.

ALL MATERIALS PRESENTED FOR CONSIDERATION MUST BE SUBMITTED TO THE ZONING, BUILDING & PLANNING DEPARTMENT AT LEAST EIGHT (8) DAYS PRIOR TO THE SCHEDULED HEARING

Making a Statement at the Hearing

- All speakers are asked to "sign in" prior to being heard for a specific request. Typically, the applicant/appellant is allotted 15 minutes to make their case, and each member of the public that has signed in to speak is allowed 2 minutes.
- Begin by stating your name and address for the record, while speaking directly into the microphone.
- Address all testimony to the chairperson. During the hearing, dialogue shall not take place between applicants and opposition. All questions or concerns should be brought to the attention of the Commission/Board and they, in turn, may question the other party, if necessary.
- If you are a member of a group that wishes to voice similar opinions concerning a proposal, it is often more beneficial to elect a spokesperson to testify on behalf of everyone rather than allowing several people to share identical views. Usually, the chairperson will allot additional time for a representative speaking on behalf of several people.
- Hearings begin at 9:00 a.m. and often last throughout the day. The Commission/Board will take necessary breaks and will recess for lunch, as needed. On the day of the hearing, you may contact the department at 314-0350 to determine how far along the Commission/Board is on the day's agenda.